

### **Remarks**

Applicants and the undersigned thank Examiner Mulcahy for carefully reviewing this application. Applicants submit the following amendments to the claims and remarks. Reconsideration of the application in view of the claim amendments and the following remarks is respectfully requested.

By the present communication claims 1-3, 6-7 and 9-25 have been amended, claims 4-5 and 8 have been maintained in their original or previously presented form and new claim 26 has been added. No new matter has been added. Thus, claims 1-26 are pending and under active prosecution.

### **Claim Amendments**

Claims 1-3, 6-7 and 9-25 have been amended to claim applicant's invention with greater particularity. No new matter has been added as the present amendments to the claims are supported by the specification and claims, as originally presented.

### **Rejection under 35 U.S.C. § 101**

Claims 14-18 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicants have amended claims 14-18 in response to the rejection and submit that all claims are now directed to statutory matter and are in condition for allowance. No new matter has been added. Withdrawal of the rejection and allowance of all claims are respectfully requested.

**Rejection under 35 U.S.C. § 112, Second Paragraph**

Claims 1-13 and 19-25 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite and failing to distinctly claim the subject matter regarding as the invention. Applicants have amended claims 1-3, 6-7 and 9-25 in response to the rejection and submit that all claims are now in condition for allowance. No new matter has been added. Withdrawal of the rejection and allowance of the claims are respectfully requested.

With respect to the term "fatty acid derivative", Applicants submit that the term refers to an ester, amide or anhydride or other compound which, upon hydrolysis, can be converted back to an acid.

**Rejection of Claims 17-23, 25-31 and 34-36 Under 35 U.S.C. § 103**

Claims 1-13 and 19-25 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Boberg (US Pat. No. 3,865,767; hereinafter "Boberg"). Applicants respectfully traverses the rejection.

By way of background, the invention as described by the present claims is directed to a method for manufacturing a thermoplastic additive for controlling the rate of degradation of the thermoplastic. The additive is produced by adding a metal salt dissolved in water and a fatty acid or fatty acid derivative in the presence of an oxidizing agent. The resulting additive is very light in color and contributes very little to the color of a thermoplastic material to which it is added. By controlling the amount of the additive that has been added to the thermoplastic material, the rate of degradation can thereby be controlled.

The '767 patent teaches a polymer composition that degrades under exposure to UV light. The additive to the polymer composition disclosed in the '767 patent is described as an iron

compound. The '767 patent however fails to teach all of the elements of the present claims. Specifically, the '767 patent fails to disclose, teach or suggest the preparation of a compound wherein the compound is produced by reacting a metal salt and a fatty acid or fatty acid derivative in the presence of an oxidizing agent. The oxidizing agent is lacking from the '767 patent, and is specifically present in the present claims for the purpose of maintaining the metal of the metal salt and/or compound in its highest oxidation state during preparation thereof.

Furthermore, the disclosure in the '767 patent that is cited by the Examiner fails to recognize the importance that the metal complex is in its highest oxidation state during preparation of the additive. As noted above, the oxidizing agent is useful for the preparation of a compound wherein the metal is maintained in its highest oxidation state.

Thus, the statements alleged in the Office Action are not supported by the '767 reference. Applicants respectfully request that the rejections be withdrawn and that claims 1-25 be allowed.

### **Conclusion**

The foregoing is submitted as a full and complete Response to the Non-Final Office Action dated March 31, 2009. Applicant has made a diligent effort to advance the prosecution of the application by amending the claims and submitting arguments in support of the patentability of claims 1-25. Applicant has not acquiesced to any rejection and reserves the right to address the patentability of any additional claim features in the future. In view of the above, reconsideration of the rejections and allowance of claims 1-25 are respectfully requested.

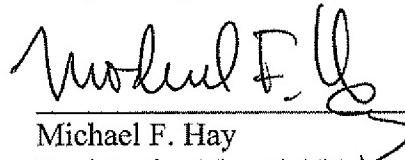
As the three-month statutory period for reply expired on June 31, 2009, Applicant hereby submits a request for a two-month extension of time, along with the appropriate fee, to make this response timely filed. Should the Commissioner deem any fees as being due, including any fees

for any extensions of time, the Commissioner is hereby authorized to debit said fees from, or credit any overpayments to, Bracewell & Giuliani LLP, USPTO Deposit Account Number 50-0259, Reference No. 061778.002.

The Examiner is invited to contact the undersigned via telephone at the number below if a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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